

STATE OF SOUTH CAROLINA

(Caption of Case)

E. R. (Ron) Rutter Complainant/Petition v. United
Telephone Company of the Carolinas, d/b/a EmbarqBEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

ORIGINAL

195/21

COVER SHEET

DOCKET

NUMBER: 2008 - 232 - C

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J.A.

9/19/08

11:55

(Please type or print)

Submitted by: Scott ElliottSC Bar Number: 1872Address: 721 Olive StreetTelephone: 803-771-0555Columbia, SC 29205Fax: 803-771-8010

Other: _____

Email: sellott@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input checked="" type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: Extension Request
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	<input type="checkbox"/> Consent
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

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September 18, 2008

VIA HAND DELIVERY

Charles L. A. Terreni, Esquire
Chief Clerk and Administrator
Public Service Commission of South Carolina
101 Executive Center Dr., Suite 100
Columbia, SC 29210

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SEP 18 2008
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RE: E. R. (Ron) Rutter Complainant/Petitioner v. United Telephone Company
of the Carolinas, d/b/a Embarq
Docket No. 2008-232-C

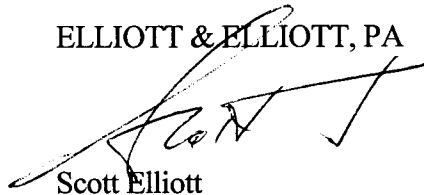
Dear Mr. Terreni:

Enclosed please find the original and twenty-five (25) copies of the **Direct Testimony of John R. (Randy) Hudson** filed on behalf of United Telephone Company of the Carolinas, d/b/a Embarq in the above referenced docket. I have enclosed an extra copy of this testimony which I would ask you to date stamp and return to me via my courier. By copy of this letter, I am serving all parties of record.

If you have any questions, please do not hesitate to contact me.

Sincerely,

ELLIOTT & ELLIOTT, PA


Scott Elliott

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Enclosures

cc: All parties of record w/enc.

BEFORE THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION

DOCKET NO. 2008-232-C

DIRECT TESTIMONY OF

JOHN R. "RANDY" HUDSON

Q. Please state your name, place of employment and business address.

A. My name is John R. "Randy" Hudson. I am employed by Embarq Corporation at 1413 Prince St, Beaufort SC, 29901

Q. Generally describe your present responsibilities.

A. I am the District Manager – Network Services and am responsible for the installation and maintenance of facilities to provide service to business and residential customers, installation and maintenance of network switching facilities, and outside plant maintenance.

Q. What is your work experience?

A. I have 34 years of experience in the telecommunications business. I have held the positions of Lineman, Cable Splicer and Repairperson, Cable Testing and Acceptance Supervisor, Construction Control Center Supervisor for South Carolina, Supervising Service Foreman, Customer Service Manager, District Manager – Network Services. I also have held the position of President and Business Manager for IBEW Local Union 1649.

Q. Have you previously testified before this Commission?

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COMMISSION

1 **A.** No I have not.

2

3 **Q.** **What is the purpose of your Testimony?**

4 **A.** The purpose of my testimony is to address the issues raised in the complaint filed
5 by Mr. Rutter regarding alleged service issues and the unavailability of DSL
6 service in Plantation Point, Mr. Rutter's neighborhood. My testimony attempts to
7 answer questions that will help resolve the issues before the Commission,
8 including, if possible, any questions that Mr. Rutter may have which have not
9 already been answered or resolved.

10

11 **Q.** **Could you describe the actions taken by Embarq when it became aware of**
12 **Mr. Rutter's Complaint?**

13 **A.** When the Complaint was received it was sent to the local supervisor who made an
14 appointment to visit with Mr. Rutter. Two supervisors who have responsibility for
15 Installation and Outside Plant Maintenance and Network Switching visited Mr.
16 Rutter. During their visit Mr. Rutter told them he had had poor service and was
17 not satisfied. His main concern was that he did not have DSL/High Speed service
18 in his area from Embarq. All lines in the Plantation Point area were tested and we
19 found only a single line with trouble. That trouble was related to a high resistance
20 open cable pair which was repaired. The customers for that line (Everett and
21 Nancy Colin) were contacted and advised their line had been repaired. They
22 responded that they were not aware of a problem. Due to the high resistance
23 nature of the fault they may not have been able to hear it. Subsequently, we have
24 visited the neighborhood again in an attempt to talk to every customer. All

1 customers, except Mr. Rutter and his next door neighbor Mrs. Donaldson, indicate
2 that their service is fine, although all except one in the area who we talked to
3 expressed a desire to get DSL/High Speed service from Embarq. The reasons for
4 the unavailability of DSL/High Speed service to this area is discussed in my
5 testimony below.

6
7 **Q. Does Embarq retain a record of trouble reports made by customers?**

8 **A.** Yes.

9
10 **Q. Do the customers whose signatures were included in the complaint have a**
11 **history of reporting troubles on their lines?**

12 **A.** According to Embarq's records, we received trouble reports on some of the
13 customers with most reports being close to two years old. All the trouble reports
14 were resolved in accordance with Embarq's standard processes.

15
16 **Q. Do your records indicate any troubles were reported by Mr. Rutter?**

17 **A.** Our records do not show any trouble reports from Mr. Rutter prior to the time he
18 filed the complaint. He recently reported directly to an Embarq supervisor that he
19 had clicking on the line and dropped calls. The clicking noise and dropped calls
20 Mr. Rutter reported have been extensively tested by our central office technicians
21 on two separate occasions but we have not been able to replicate this trouble. On
22 a separate occasion he conveyed a report for his neighbor. Embarq determined
23 that his neighbor's trouble was caused by her power and telephone line being cut
24 by someone digging in water lines/irrigation in her yard. Mr. Rutter reported these

1 issues after the supervisors visited him on this Complaint. Embarq has no record
2 of him calling to report these issues prior to that time.

3
4 **Q. Have you read Mr. Rutter's "testimony" included in the letter filed with the**
5 **Commission on September 4, 2008?**

6 **A.** Yes, I have.
7

8 **Q. Could you explain what occurred related to the installation of Mr. Rutter's**
9 **service with Embarq?**

10 **A.** The original service order for Mr. Rutter's service was due 9/18/07. A technician
11 was dispatched 9/19/07. The technician determined that the cable pair assigned to
12 the customer was defective and had to be repaired. The technician sent the task
13 back on the afternoon of 9/19/07 for next morning dispatch since there was still
14 significant work required to complete the order. Embarq's records indicate Mr.
15 Rutter called on the afternoon of 9/19/07 and was promised a technician would be
16 there the next morning. A different technician was sent and completed the work
17 for the installation at 2:58 pm on 9/20/07.

18
19 **Q. Mr. Rutter states that he was provided a number to call regarding any**
20 **problems with his service and that he did call that number on at least two**
21 **occasions. Are you aware of the two calls Mr. Rutter describes?**

22 **A.** Yes we are.
23

1 **Q. Could you describe the nature of those calls as you understand them and the**
2 **actions taken by Embarras in response to those calls?**

3 **A.** As described in my testimony above, one of the calls was to report dropped
4 calls/clicking and the other was to report his neighbor's line was cut by workmen
5 while working on her property. Both were responded to immediately. And, as
6 noted above, both of these calls were made subsequent to Mr. Rutter filing this
7 Complaint.

8
9 **Q. To your knowledge, do customers in Mr. Rutter's area typically lose service**
10 **when it rains, as he has alleged?**

11 **A.** No they do not.

12
13 **Q. To your knowledge, is there a problem with humming on the lines for the**
14 **customers in Mr. Rutter's area?**

15 **A.** There is no problem with humming in this neighborhood. All lines have been
16 tested recently on two different occasions. The area has had two occasions when
17 line hum was experienced. One was prior to Mr. Rutter moving into the
18 neighborhood and was corrected in August of 2006. This was caused by lightning
19 which damaged our cable shield bonds. This was corrected and required extensive
20 work over a period of about two weeks to correct all known problems. It included
21 multiple burned cable bonds at different pedestals being fully repaired and re-
22 bonded, and three sections of cable which were damaged by lightning and had to
23 be dug up and repaired. This work took approximately two weeks to clear all
24 problems. The most recent time was in April 2008. The report was from Mr. Jack

1 Sitton and was caused by electrical power influence. This trouble was found to be
2 caused by a blown cable bond which opened up our cable shield and allowed line
3 hum noise to be generated. The blown bond was the result of lightning damage.
4 This trouble was cleared the same day as dispatched.
5

6 **Q. Mr. Rutter states that the Public Service Commission does not have control**
7 **over the level of service provided by a monopoly utility. Do you agree with**
8 **that statement?**

9 **A.** No, I do not. Embarq is no longer considered a monopoly provider of
10 telecommunications service as a result of competition in our service area.
11 However, the Public Service Commission still regulates the quality of service
12 provided by telecommunications carriers in the state of South Carolina. Embarq
13 files quality of service reports on a quarterly basis.
14

15 **Q. To your knowledge, does the service Embarq has provided and continues to**
16 **provide to Mr. Rutter and other customers in his area comply with the**
17 **requirements of the South Carolina Public Service Commission?**

18 **A.** During 2007 and thus far in 2008, we have met or exceeded the Commission's
19 quarterly objectives in our Ware Shoals exchange. Embarq is committed to
20 meeting the Commission's service quality requirements and to providing quality
21 service to the residents of South Carolina, including the residents served by the
22 Ware Shoals exchange.
23

1 **Q. Mr. Rutter states that he pays more for his service than customers in other**
2 **areas who purchase bundled service. Do you agree with Mr. Rutter’s**
3 **statement?**

4 **A.** I cannot address any comparison of Mr. Rutter’s rates to those when he was an
5 AT&T customer. Embarq offers a variety of bundled services and the prices for
6 these services vary based on the components of the particular bundle. It is my
7 understanding that Embarq customers who subscribe to certain bundled offerings
8 receive a discount on DSL service they may subscribe to. DSL is unavailable in
9 Mr. Rutter’s area at this time, so that discount is unavailable to him.

10

11 **Q. Could you describe Embarq’s rates for the services that are available to Mr.**
12 **Rutter and other customers in his area?**

13 **A.** Rates for regulated services are established in our tariffs and filed with the Public
14 Service Commission. Rates for non-regulated services are established based upon
15 market conditions and are applied in a nondiscriminatory manner.

16

17 **Q. Mr. Rutter complains that Embarq “installed used (obsolete) equipment to**
18 **extend service to my area.” Is Mr. Rutter’s statement correct?**

19 **A.** No. The SLC 96 digital line carrier used to serve this area is a very stable voice
20 grade digital line carrier. It is not DSL/high speed capable but meets all
21 requirements to provide dependable voice grade service.

22 **Q. Mr. Rutter wants DSL service from Embarq, but he states that he has been**
23 **told it is unavailable to customers in his area. Is Mr. Rutter correct about the**
24 **availability of DSL service in his area?**

1 **A.** DSL service is currently not available to the customers served by the Nations
2 Road remote out of the Ware Shoals exchange, including customers in the
3 Plantation Point development, where Mr. Rutter resides.

4

5 **Q.** **Could you explain the circumstances surrounding Embargo's decision not to**
6 **provide DSL to Mr. Rutter's neighborhood?**

7 **A.** The customers in Plantation Point are 19,000 feet from the DLC. The cost to
8 make this DLC DSL capable exceeds by three times Embargo's capital budget
9 guidelines on a per port basis. Our Network Planning department is constantly
10 looking at areas where we can expand our DSL capabilities, but we must spend
11 our capital dollars in areas where they will do the most good for the most people.

12

13 **Q.** **Does this conclude your testimony?**

14 **A.** Yes.

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CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: E.R. (Ron) Rutter Complainant/Petitioner v United Telephone Company of the Carolinas, d/b/a Embarq

DOCKET NO.: 2008-232-C

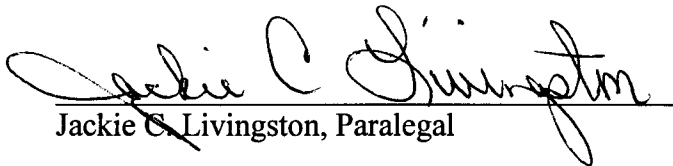
PARTIES SERVED:

Jeffery M. Nelson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

E. R. (Ron) Rutter
101 Mariners Cove Road
Hodges, SC 29653

PLEADING: DIRECT TESTIMONY OF JOHN R. (RANDY) HUDSON

September 18, 2008


Jackie C. Livingston, Paralegal

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